



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Ki

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------------------------------------------------------------|-------------|----------------------|-----------------------|------------------|
| 10/600,195 | 06/20/2003 | Kenneth R. Levey | 13842 | 7477 |
| 7590 | 06/06/2005 | | EXAMINER | |
| PAUL F. DONOVAN ILLINOIS TOOL WORKS INC. 3600 WEST LAKE AVENUE GLENVEIW, IL 60025 | | | MITCHELL, KATHERINE W | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3677 | |

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---------------------------------------------------|---------------------|
|---------------------------------|-------------|---------------------------------------------------|---------------------|

10/600195

EXAMINER

Mitchell

| ART UNIT | PAPER |
|----------|-------|
|----------|-------|

3677 20050530

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Non-responsive to species restriction.

Commissioner for Patents

Katherine W Mitchell
Examiner
Art Unit: 3677

Response to Amendment

1. The amendment to the claims filed on 3/15/2005 is non-responsive. The amendment filed on 3/15/2005 is considered non-responsive, as applicant has not elected a single species as required. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. Applicant was advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143) in a previous action.
2. Species restrictions can apply to dependent claims; thus canceling the independent claims to the separate species and rewriting them as dependent claims does not eliminate the distinct species.
3. Examiner called but, due to both examiner and applicant being out of town, was unable to clarify this with applicant. Rather than penalize applicant with a possible final rejection, this response to amendment is being mailed.
4. Since the reply filed on 3/15/2005 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).
5. Applicant is encouraged to change claims 24-37 to status "withdrawn", as they can be rejoined if a generic claim is found allowable. However, they will not be examined and rejoined until such time as a generic claim is allowed.

Art Unit: 3677

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Katherine W Mitchell
Examiner
Art Unit 3677

Kwm
5/31/2005

